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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

18 AUG 20 PM 2:42

MANUFACTURERS ALLIANCE )  
INSURANCE COMPANY, )

Plaintiff, )  
v. ) Case No.: 1:18-cv-04013  
Honorable Matthew F. Kennelly )

ALLERTON CHARTER COACH, INC., )  
DENNIS TOEPPEN and THE PEOPLE OF )  
THE STATE OF ILLINOIS ex rel LISA )  
MADIGAN, Attorney General of the State of )  
Illinois, )

Defendants. )

FILED

EC AUG 20 2018

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

**MOTION TO VACATE DEFAULT**

Pursuant to Federal Rule 60(b), Movant states the following grounds for this Motion to

Vacate Default:

1. Rule 60(b)(1) of the Federal Rules of Civil Procedure allows for relief from an order of default for mistaken inadvertent surprise or excusable neglect.
2. Defendant, Allerton Charter Coach, Inc., has learned that it was defaulted by this Court upon motion of the Plaintiff on August 7, 2018.
3. Defendant is currently involved in litigation brought against it by the State of Illinois Attorney General which has consumed much of Defendant's time and energy.
4. As a result to the ongoing litigation against this Defendant by the State of Illinois, Defendant inadvertently failed to file an answer to Plaintiff's Complaint in this cause.
5. No prejudice shall result to Plaintiff should the Court grant Defendant's Motion to Vacate the Default Judgment entered on August 7, 2018, as one of the Defendants, Dennis Toeppen, has yet to be served and the State of Illinois has not filed a response to Plaintiff's Complaint as of this date.

WHEREFORE, Defendant, ALLERTON CHARTER COACH, prays that this Court grant its Motion to Vacate Default Judgment entered against it on August 7, 2018, and allow Defendant 21 days with which to file an answer to Plaintiff's Complaint and grant any further relief this Court deems just and proper.

ALLERTON CHARTER COACH, INC.,  
DENNIS TOEPHEN, Defendants,

BY: Darle 8/17/18